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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/430,043	10/29/1999	BRANT L. CANDELORE	080398.P245	6700

7590 04/15/2002

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EXAMINER

SAUNDERS, KEVIN D

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 04/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/430,043

Applicant(s)

CANDELORE, BRANT L. 

Examiner

Kevin D Saunders

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,13-18 is/are rejected.
- 7) ☒ Claim(s) 3 and 9-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The body of the claim 13 refers to a "computer readable program code" three times within the body of the claim. Although identical language (i.e., a "computer readable program code") is used in each instance, the claim attributes three separate functions to the "computer readable program code." Consequently, it is unclear whether applicant intends to incorporate three computer readable program codes for performing three distinct functions or just one computer readable program code for performing the three functions.

Regarding claims 14 through 18, each claim lacks antecedent basis for the "computer program product".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1,2, and 4-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Muratani et al (U.S. Pat. No. 6,061,451). Regarding claims 1, Muratani et al discloses a method for receiving and decrypting encrypted data and protecting decrypted data from illegal use. Muratani et al teaches the method including the steps of: descrambling a content delivered by a content provider using a local key (see col. 5, lines 50-58) and generating a local key from a programmable user key according to an authorization code provided by the content provider. See col 5, line 65 to col. 6, line 2 and col 6, lines 46-52.

Regarding claim 2, Muratani et al further discloses a descramble key, user's password, etc. being written by a service provider and ownership of a security module 70, including an authentication/access controller 74, meaning authorization. See col 5, line 65 to col. 6, line 2. The data is duplex-scrambled according to a first and second scramble method and supplied from a set top unit 50 to the security module 70 to prevent illegal utilization of the original data by a third party. See col 6, lines 20-44. Accordingly, Muratani et al. Impliedly teaches use of a communication channel for receiving an authorization code.

Regarding claim 4, Muratani et al further discloses a method for providing copy protection that includes the step of receiving a user key from a content provider via a communication channel. See col. 6, lines 29-43, for example.

Regarding claim 5, Muratani et al further discloses a method for providing copy protection wherein a user key is provided by a security module 70 having an authorization code. See col. 6, lines 29-43.

Regarding claim 6, Muratani et al further discloses a key control circuit 62 that comprises a key generator 62b for generating scramble/descramble keys and a controller 62a for controlling a key generation and a key update and for interfacing with other circuits. See col. 7, lines 5-9. Consequently, Muratani et al implicitly teaches a method for copy protection wherein the user key is embedded in a medium embodying the content.

Regarding claim 7, Muratani et al further discloses a data receiving apparatus (see fig. 2) comprising:

a descrambler 72 for descrambling a content delivered by a content provider (see col 5, lines 51-64); and

a key generator 62 for generating a scramble key and descramble key for a scramble process and a corresponding descramble key. See col. 5, lines 32- 43.

Regarding claim 8, Muratani et al further discloses that the data receiving apparatus (fig. 2) includes a set top unit 50 and a security module 70 that are separated from each other with an interface existing between them. The set top 50 includes a key control circuit 62, which functions as a key generator. See col. 5, lines 9-19, lines 32-

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43, and lines 51-64. Accordingly, Muratani et al inherently teaches a conditional access device having a communication interface coupled to the key generator to receive the authorization code via a communication channel.

Claims 13, 14 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Muratani et al. Regarding claim 13, as best understood, Muratani et al discloses a computer program product (fig. 17) that includes a computer usable medium having computer code embedded therein. For example, see col. 21, lines 8-12.

Regarding claims 14 and 16, Muratani et al discloses a computer program product having a computer readable program code.

Allowable Subject Matter

Claims 3 and 9-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 5,574,787, issued to John O. Ryan, discloses an apparatus and method for comprehensive copy protection for video platforms and unprotected source material.

U.S. Patent No. 5,757,909, issued to Tae Joon Park, discloses an illegal view and copy protection method in a digital video system for preventing an illegal user from viewing the digital video system and copying therefrom.

U.S. Patent No. 6,154,206, issued to Harold Aaron Ludtke, discloses a method and apparatus for distributed conditional access control on a serial communication network.

U.S. Patent No. 6,266,416, issued to Sigurd Sigbjornsen et al, discloses a device for protecting software, particularly freely distributed application software, against utilization without permission from the copyright holder.

U.S. Patent No. 6,266,480, issued to Tadashi Ezaki et al, discloses an apparatus and method for effectively inhibiting unauthorized copying of picture signals, which does not interfere with an authorized display thereof.

U.S. Patent No. 6,351,538, issued to K. Metin Uz, discloses a conditional access and copy protection scheme for MPEG encoded video data.

Japanese Patent Publication No. 2000350181A, issued to Yuji Oba, discloses a Broadcast storage method and recording medium recording storage control.

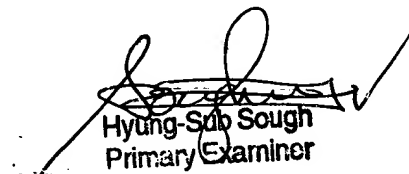
Japanese Patent Publication No. 411243534A, issued to Masayuki Takahashi, discloses a digital broadcast reception reproducing apparatus for protecting against copying by preventing unauthorized viewing of digital broadcast program by inhibiting recording of the programs to various digital data storage devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin D Saunders whose telephone number is (703)305-3389. The examiner can normally be reached on 8-5, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Trammell can be reached on (703)305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

KDS
April 11, 2002


Hyung-Soo Sough
Primary Examiner